

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 7178-AG09-0507-089

David E. Burgess

Respondent

1232 Wefel Street
Fort Wayne, IN 46808

Type of Agency Action: Enforcement

Indiana Resident Producer License No. 556483

FILED

AUG 19 2009

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance ("Department") and David E. Burgess, a licensed resident insurance producer, signed an Agreed Entry which purports to resolve all issues involved in the action by the Department regarding Respondents' license, and which has been submitted to the Commissioner of Insurance (the "Commissioner") for approval.

The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth as attached as Exhibit A herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Commissioner of Insurance:

1. The Statement of Charges filed against the Respondent on July 31, 2009 is dismissed, without prejudice.

2. Respondent's Indiana Producer License is Permanently Revoked.

ALL OF WHICH IS ORDERED this 10th day of August 2009.



Carol Cutter, Commissioner
Indiana Department of Insurance

Distribution:

Nikolas P. Mann
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 300
Indianapolis, Indiana 46204-2787

Whitmore & Associates
Attn: Gina Purvis
Lincoln Tower
116 East Berry Street, Ste 1225
Fort Wayne, IN 46802

David E. Burgess
1232 Wefel Street
Fort Wayne, IN 46808

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

BEFORE THE INDIANA
 COMMISSIONER OF INSURANCE

CAUSE NUMBER: 7178-AG09-0507-089

IN THE MATTER OF:)

David E. Burgess)

Respondent)

1232 Wefel Street)
 Fort Wayne, IN 46808)

Type of Agency Action: Enforcement)

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STATE OF INDIANA
 DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by Nikolas P. Mann, Attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and David E. Burgess, a licensed resident insurance agent. This Agreed Entry is subject to the review and approval of the Commissioner of the Indiana Department of Insurance.

WHEREAS, Respondent is a licensed resident insurance agent in the State of Indiana, operating under License Number 556483, and

WHEREAS, Respondent was terminated for cause by Western & Southern Life Insurance Company, and

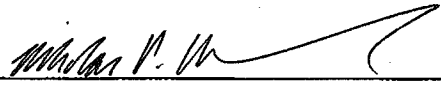
WHEREAS, Respondent's termination was reported to the Department by Western & Southern in accordance with Indiana Code, and

WHEREAS, the Department and Respondent desire to resolve their differences and settle the issues without a hearing or the necessity of the filing of a statement of charges;

IT IS THEREFORE, NOW AGREED by and between the parties as follows:

1. The Commissioner has jurisdiction over the subject matter of and the parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent voluntarily and freely waives his right to a public hearing.
4. Respondent voluntarily and freely waives his right to petition for judicial review of this agreement and the Commissioner's Final Order.
5. Respondent violated Indiana Code 27-1-15.6-12(b)(8) .
6. Respondent agrees to the permanent revocation of his Indiana Insurance Producer License.
7. The Department agrees to accept Respondent's compliance with the terms of this agreement as full resolution of the issues regarding Respondent's producer license.
8. Respondent has carefully read and examined this agreement and fully understands its terms.

8/7/09
Date Signed


Nikolas P. Mann, Attorney
Indiana Department of Insurance

5-15-09
Date Signed


David E. Burgess, Respondent

STATE OF INDIANA)
) SS:
COUNTY OF Allen)

Before me a Notary Public for Allen County, State of Indiana,
personally appeared David E. Burgess and being first duly sworn by me upon his oath,
says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 15th day of May, 2009.

Gina M Purvis
Signature

Gina M Purvis
Printed

My Commission expires: 8-7-2011

County of Residence: Allen